

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Rashad Deon Myers

Docket No. 5:08-CR-57-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Rashad Deon Myers, who, upon an earlier plea of guilty to Possess With the Intent to Distribute a Quantity of Cocaine Base (Crack), 21 U.S.C. § 841(a)(1); and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 29, 2008, to the custody of the Bureau of Prisons for a term of 90 months. On June 27, 2012, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence was reduced to 78 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

Rashad Deon Myers was released from custody on September 10, 2013, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On September 11, 2013, during the defendant's first office visit, he tested positive for marijuana. Since this is his first positive drug test, the probation office is recommending that he be enrolled in the Surprise Urinalysis Program and have a substance abuse evaluation completed. Mr. Myers will also be afforded an opportunity to apply for the HOPE Program (Reentry/Drug Court). The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: September 20, 2013

ORDER OF COURT

Considered and ordered this 22 day of September, 2013, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence Boyle
U.S. District Judge